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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,578	04/11/2006	Michiel Adriaanszoon Klompenhouwer	US030436	9557

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EXAMINER
MARTELLO, EDWARD

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
06/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2"><i>Advisory Action</i>
<i>Before the Filing of an Appeal Brief</i></td><td>Application No.
10/575,578</td><td>Applicant(s)
KLOMPENHOUWER ET AL.</td></tr>
<tr><td>Examiner
Edward Martello</td><td>Art Unit
2628</td></tr>
</table>

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>08 June 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-21 and 23</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

   11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/XIAO M. WU/
Supervisory Patent Examiner, Art Unit 2628

/Edward Martello/
Examiner, Art Unit 2628

Continuation of 11. does NOT place the application in condition for allowance because: The Applicants argue to claims 1-21 and 23.

The abstract of instant application states that the invention is attempting to provide the colorfulness of an EBU (European Broadcast Union) display on a mobile display by providing 'smart' clipping to those colors that cannot be represented on the mobile display. Thus the invention is mapping the broader color gamut of the EBU display to the more limited gamut of the mobile display.

The Myers reference is performing the same color matching between digital display devices and as is shown in the title, abstract and specification of the '288 document. Myers discusses the mapping of a larger color gamut digital image to devices having a more limited gamut. This establishes the fact that Myers is mapping a color gamut from one device to the color gamut of another device and not merely mapping gradation levels without regard to the gamut limits of the output device.

The Miyachi reference teaches a signal processing means to take full range RGB image input data and maximize the color range to the gamut of the target display even when chroma of the color display is low ('165 abstract).

Since both applied references are attempting to match a wide input color gamut to the smaller color gamut of an output device the Examiner argues that there is motivation in both documents that would suggest combining the teachings of each to obtain a known result. The modification of either into the other would not render either unsatisfactory for their intended purpose since they have the same common purpose and that purpose is indeed the same as the instant application as shown in the second paragraph above.

The Examiner respectfully disagrees with the statements that the references fail to recite that the adjustment of the colors is performed by linearly scaling individual colors based on a smallest out-of-gamut color so that the smallest out-of-gamut color is adjusted to a known value with in the gamut of colors. As stated in the rejection of independent claims 1,12, 18 and 21, Myers adjusts said individual colors of said out-of-gamut digital data by linearly scaling said individual color ('288; paragraph 0026-0029, "Once ratios are obtained for each dual and single source colors, the color LUTs can be generated (step 4). In order to create the LUTs from the ratio values, the ratio values are first scaled to the range defined by the color matching algorithm and then linearly interpolated over that range. In this particular example, the color values accessing the LUTs are represented as 8-bit binary numbers that range from a minimum value of 0 to a maximum value of 255.")

Miyachi also discloses linear scaling in '165; paragraph 0071 - equations at the end of the paragraph show that each signal is scaled proportionally to the intensity of the signal.

The Applicants argue that the references fail to teach that the smallest value of the input color signals is set to a known value within the gamut of colors (Here, output gamut is implied as the purpose of the invention as stated by the Examiner at the top of this section is to match a wide input color gamut to the smaller color gamut of the mobile display device.)

The Examiner cited Myers based on a smallest value of said digital data individual colors ('288; paragraph 0036; Min(RGB)) minimum of the three primary color output data words as presented in equation 1, which is shown in figure 2 to be the smallest value of the digital input colors. Later in the processing cited in Myers, the Min value or smallest value is set to zero which is within the output gamut of the mobile display. See the remainder of the rejections of the independent claims for elements not argued.

The Applicants argue that the references fail to teach adjusting the color values based on a maximum adjusted value.

The Examiner cited Myers '288; paragraph 0061-0063 which shows the scaling of the input to match the maximum of the target color gamut; which in the example given, has a value 255 for the binary range of 0 to 255 for the example output device. These scaling ratios are discussed by the Applicants in their remarks and it is this feature that is based on the maximum of input to the maximum input capability of the target output device as shown in an example in Table 1 and in the Examiner's cited text. Note in the Myers' example, that the scaling ratio values are percentages less than 100% as the example input range is larger (out of gamut) than the range of the output device just as shown in the examples of the instant application. Myers is applying the factor to the input so it limits the input driving value to a value that the mobile display device can handle, a digital value of 255 in the example given.

The forgoing responses apply to all the independent claims (1, 12, 18 and 21).

The motivation to combine Miyachi and Myers would have been obvious at the time of the invention to one of ordinary skill in the art who may have been attempting to improve the colorfulness of a mobile or limited gamut product. By combining Miyachi and Myers one has Miyachi providing the teaching of higher level methods and systems to convert a broad color gamut source to a smaller color gamut display device and Myers builds upon these higher level teachings and provides the lower level details making it quicker and easier for the skilled person to develop their mobile device so that is has improved colorfulness over competing devices.

Claims 2-11, 13-17, 19-20 and 23 are rejected as being dependent upon a rejected base claim and for the individual features they add as shown in the claims rejection section of the Final Office Action mailed 13 April 2010.   .